

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. v. John C. Borcharding**

**Docket No. 5:14-MJ-2278-1KS**

**Petition for Action on Probation**

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John C. Borcharding, who, upon an earlier plea of guilty to Possession of a Controlled Substance, in violation of 21 U.S.C. § 844(a) and Possession of Drug Paraphernalia, in violation of 18 U.S.C. § 13 assimilating N.C.G.S. § 90-113.22, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on February 4, 2015, to 12 months probation under the conditions adopted by the court.

On December 10, 2014, prior to the above-noted sentencing, the defendant was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, to 12 months probation pursuant to 18 U.S.C. § 3607 for the aforementioned offenses. The defendant's probationary term was subsequently revoked on February 4, 2015, due to his use of cocaine, and a judgment of conviction was entered.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On June 3, 2015, and June 9, 2015, a urine specimen collected from the defendant on May 26, 2015, and June 2, 2015, respectively, was determined by the national laboratory to be positive for cocaine. On June 9, 2015, the defendant signed a statement admitting to using cocaine on May 21, 2015, and May 28, 2015. As a sanction for these violations, we are respectfully recommending that the defendant be required to serve 3 days incarceration in the Bureau of Prisons. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Dwayne K. Benfield

Dwayne K. Benfield  
Supervising U.S. Probation Officer

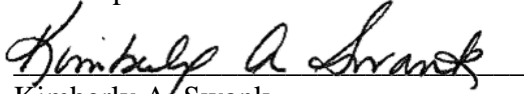
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Lakesha H. Wright

Lakesha H. Wright  
U.S. Probation Officer  
201 South Evans Street, Room 214  
Greenville, NC 27858-1137  
Phone: 252-830-2348  
Executed On: June 22, 2015

**ORDER OF THE COURT**

Considered and ordered this 23rd day of June, 2015 and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read "Kimberly A. Swank", written over a horizontal line.

Kimberly A. Swank  
U.S. Magistrate Judge